

FOURTH DAY
(Tuesday, January 7, 1992)

The Senate met at 12:10 p.m. pursuant to adjournment and was called to order by Senator Armbrister.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Absent-excused: Glasgow.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our heavenly Father, this morning we give thanks for blessings great and small and ask Your forgiveness when we accept these favors as earned or granted. Now as this work session begins, we ask that faith in one another be strengthened so that in serving individual constituencies the Senate will serve a larger community as they consider and decide the issues now pending.

Bless each member with Your grace this day. In Your name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of illness on motion of Senator Brooks.

(Senator Moncrief in Chair)

SENATE BILL 1 ON THIRD READING

The Presiding Officer laid before the Senate on its third reading and final passage:

S.B. 1, Relating to apportionment of the state into senatorial districts.

The bill was read third time and was finally passed by the following vote: Yeas 18, Nays 12.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Johnson, Lyon, Moncrief, Montford, Parker, Rosson, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Ratliff, Sibley, Sims, Tejeda.

Absent-excused: Glasgow.

REASON FOR VOTE

I voted against **S.B. 1** on final passage because it divides the Black community of San Antonio. However, I am again stating for the record that **S.B. 1** is clearly superior for minority representation to the Federal Court plan imposed in Terrazas v. Slagle. The Federal Court plan violates the Federal Voting Rights Act. The Voting

Rights Act gives clear preference to legislative plans which meet its standards. The Courts should not use vague procedural excuses to implement a judicial plan which is in fact inferior to the Legislative plan. To do so would both abuse the Court's powers under the Voting Rights Act and violate the American tradition of the separation of powers, the three branches of government, and the decentralized relationship between the Federal Government and the States.

TEJEDA

Senator Barrientos submitted the following chart:

SENATOR BARRIENTOS - DISTRICT 14

[illegible]

**COMMITTEE SUBSTITUTE
SENATE BILL 2 ON THIRD READING**

The Presiding Officer laid before the Senate on its third reading and final passage:

C.S.S.B. 2, Relating to the date of the primary elections for 1992 and other electoral and political processes relative to the date of those elections.

The bill was read third time and was finally passed by the following vote: Yeas 19, Nays 11.

Yeas: Armbrister, Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Johnson, Lyon, Moncrief, Montford, Parker, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Ratliff, Sibley, Sims.

Absent-excused: Glasgow.

RECESS

On motion of Senator Brooks, the Senate at 2:16 p.m. took recess until 4:00 p.m. today.

AFTER RECESS

The Senate met at 4:00 p.m. and was called to order by Senator Brooks.

CO-AUTHOR OF SENATE RESOLUTION 54

On motion of Senator Armbrister and by unanimous consent, Senator Sibley will be shown as Co-author of **S.R. 54**.

SENATE RESOLUTION 54

The Presiding Officer laid before the Senate the following resolution:

S.R. 54, Notifying the Texas Transportation Commission that it is the will of the Senate that the reorganization of departmental district offices be postponed until such time as the commission has published its criteria for determining the location of district offices.

ARMBRISTER

The resolution was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Zaffirini asked to be recorded as voting "Nay" on the adoption of the resolution.

HOUSE BILL 1 ON SECOND READING

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H.B. 1, Relating to apportionment of the state into state representative districts.

The bill was read second time and was passed to third reading by the following vote: Yeas 19, Nays 11.

Yeas: Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Johnson, Lucio, Lyon, Moncrief, Montford, Parker, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Ratliff, Sibley, Sims.

Absent-excused: Glasgow.

HOUSE BILL 2 ON SECOND READING

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H.B. 2, Relating to the date of the primary elections for 1992 and other electoral and political processes relative to the date of those elections.

The bill was read second time and was passed to third reading by the following vote: Yeas 18, Nays 12.

Yeas: Barrientos, Brooks, Carriker, Dickson, Ellis, Green, Haley, Johnson, Lyon, Moncrief, Montford, Parker, Rosson, Tejeda, Truan, Turner, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Krier, Leedom, Lucio, Ratliff, Sibley, Sims.

Absent-excused: Glasgow.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Leedom and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Intergovernmental Relations might consider **S.B. 3** upon recess today.

RECESS

On motion of Senator Leedom, the Senate at 4:15 p.m. took recess until 4:20 p.m. today.

AFTER RECESS

The Senate met at 4:20 p.m. and was called to order by the President.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Leedom, Vice Chair, submitted the following report for the Committee on Intergovernmental Relations:

S.B. 3

SENATE BILL 3 ORDERED NOT PRINTED

On motion of Senator Leedom and by unanimous consent, **S.B. 3** was ordered not printed.

SENATE BILL 3 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business and Senate Rule 7.14 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 3, Relating to the terms of the directors of the Midland County Hospital District.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 3 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE RESOLUTION ON FIRST READING

By unanimous consent, the following resolution was introduced, read first time and referred to the Committee indicated:

S.R. 53 by Barrientos, Ellis Administration
Expressing intent of the Texas Legislature that S.B. 1, establishing districts for the Texas Senate, be implemented at the earliest possible date that provides for the efficient and proper conduct of the primary elections.

RECESS

On motion of Senator Brooks, the Senate at 4:24 p.m. took recess until 1:00 p.m. tomorrow.

FOURTH DAY

(Continued)

(Wednesday, January 8, 1992)

AFTER RECESS

The Senate met at 1:00 p.m. and was called to order by the President.

SENATE RESOLUTION 88

Senator Moncrief offered the following resolution:

WHEREAS, Few events bring such joy into the life of a couple as the birth of a baby; and

WHEREAS, The Honorable Chet Brooks and his wife, Sandy, are doubly blessed with the birth of their second daughter, Kaitlyn Claire, on January 8, 1992; and

WHEREAS, By all accounts a beautiful and charming infant—who has already wrapped her father around her little finger—young Miss Brooks was born at 8:20 a.m., weighing eight pounds, five ounces; and

WHEREAS, Fulfilling her parents wishes, Kaitlyn was born healthy, hearty, and loud; and

WHEREAS, A most fortunate child, Kaitlyn Claire will be lavished with the utmost love and attention, thriving and growing to young womanhood basking in the warmth and security of a happy family; and

WHEREAS, The most excited member of the Brooks household is Anna Rae, soon to be four years old, who looks forward to playing with her new best friend; and